

SERIAL NUMBER 07/154,514	FILING DATE 02/05/88	FIRST NAMED INVENTOR JANI	STANLEY DOCKEY NO. 509-02025
ROBERT L. PRICE LOWE, PRICE, LEBLANC, BECKER & SHUR 427 N. LEE ST. ALEXANDRIA, VA 22314		EXAMINER FAY, Z	
		ART UNIT 125	PAPER NUMBER

DATE MAILED: 04/26/89

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

 This application has been examined Responsive to communication filed on MARCH 16, 1989 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- Notice of References Cited by Examiner, PTO-892.
- Notice of Art Cited by Applicant, PTO-1449.
- Information on How to Effect Drawing Changes, PTO-1474.
- Notice re Patent Drawing, PTO-948.
- Notice of Informal Patent Application, Form PTO-152.
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Part II SUMMARY OF ACTION

1. Claims 112 and 4-24 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims 3 have been cancelled.

3. Claims _____ are allowed.

4. Claims 112 and 4-24 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable. not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been approved by the examiner. disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed on _____, has been approved. disapproved (see explanation).

12. Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other _____

EXAMINER'S ACTION

Art Unit 125

Claims 1, 2 and 4-24 are presented for examination.
The amendments and declaration filed on March 16,
1989 have been received and entered.

Claims 1, 2 and 4-24 are again rejected under 35 USC
103 as being unpatentable over Micheals (A), Schoenwald
et al. (F), Schoenwald et al (E), Samejima et al (H)
and Health et al (R), for the reasons set forth on page
4-7 of the Office action of August 3, 1988.

Applicant's arguments and declaration have been
carefully considered, but are not deemed to be
persuasive. The presented data by applicant are limited
to a specific active ingredient, a specific amount and a
specific cation exchanger resin. However, the claims are
not so limited. Therefore the presented data are not
commensurate in scope with the claims. Also the active
ingredients of the claims are essentially unidentified,
since the substituents R₁, R₂ and R₃ are not defined
with any specificity. Applicant has failed to overcome
the rejection of prior art. Therefore, the rejection is
proper and adhered to.

THIS ACTION IS MADE FINAL. Applicant is reminded of
the extension of time policy as set forth in 37 CFR
1.136(a). The practice of automatically extending the
shortened statutory period an additional month upon the
filing of a timely first response to a final rejection
has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS

Art Unit 125

FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Z. Fay whose telephone number is (703) 557-3796.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 557-3920.

ZF
04/24/89;rbb


DOUGLAS E. ROBINSON
SUPERVISORY PATENT EXAMINER
GROUP 120 - ART UNIT 125